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Remarks

Claims 1-13 were originally filed in this application. In this response, claim 1 has been amended and claim 2 has been corrected. No claims have been deleted or added. Consequently, claims 1-13 remain under consideration. Support for the amendments to claim 1 can be found at page 4, lines 10-22 and page 4, lines 31-36 of the specification and in the drawings. Therefore, no new matter has been added. Amendment of a claim is not to be construed as a dedication to the public of any subject matter.

The Examiner has objected to the drawings under 37 CFR 1.83(a) allegedly because the drawings fail to show the control means as described in the specification. A corrected Sheet 2 of the drawings, containing Fig. 2 with the relevant blocks labelled is attached. It is submitted that the control means is shown as the controller in Figure 2 of the drawings and that this objection has been overcome.

The Examiner has objected to claims 1-2 because of an informality in terms of 37 CFR § 1.75(i). Claims 1 and 2 have been corrected and it is submitted that this objection has been overcome.

Claims 1, 3-8, 11 and 13 stand rejected under 35 U.S.C. 102(b) as being anticipated by British Patent No. GB 2253300 to Johnston (referred to below as "Johnston").

More particularly, the office action states that:

Johnston discloses a gaming machine having a display means and a control means arranged to control images on the display (FIG 5) wherein random events cause the images to be displayed and if a predefined winning event occurs a prize will be awarded. The display means displays a plurality of movable carriers wherein each has at least on polyhedral element with a plurality of faces that are visible at any one time (FIG 5). Each face has indicia on each face and indicia on faces of the polyhedral element that are visible at a rest condition are taken into account for determining winnings.

The present invention as claimed explicitly claims that the symbol carrier carries *a two dimensional symbol which is a representation of a polyhedral element*. In contrast, Johnston

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states, at page 8, lines 22-24, that the second movable means is a cube 16. Johnston therefore discloses a three dimensional, mechanical symbol carrier and does not teach a "two dimensional symbol" which is a representation of a polyhedral element as is claimed in claim 1 of the present application.

Further, as is explicitly stated, for example, in the abstract of Johnston, the bodies (16) are movable relative to the reels (7) so that each body can present a selected one of its symbols into view at the display location. (Applicant's emphasis). Also, as illustrated in Figure 5 of the drawings of Johnston, when viewed end on, only a single face of each cube 16 is visible at any one time so that in Johnston it is not possible that at least two of the visible faces of the polyhedral elements which are visible at a rest condition of the carriers can be taken into consideration when determining whether or not a winning event has occurred.

Claims 1-6, 8-11 and 13 stand rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,120,377 to McGinnis, Sr. et al. (referred to below as "McGinnis").

More particularly, the office action states that:

McGinnis et al. disclose a gaming machine with a video display and a game control means arranged to control images displayed. The game control means has at least one random event to be displayed and if a predefined winning event occurs, the machine awards a prize. The display means has a plurality of movable carriers which are video simulations of actual carriers and each carrier carries a representation of at least one polyhedral element having a plurality of faces which are visible at any one time with indicia being carried on each face and the indicia which are visible at a rest condition are used in determining winning events (FIG 5).

Once again, it is respectfully submitted that McGinnis does not constitute an anticipatory citation. Claim 1, as presently claimed, explicitly claims that the display means displays *a plurality of movable symbol carriers* and, further, that at least certain of the carriers carry *a two dimensional symbol which is a representation of a polyhedral element*.

With respect, McGinnis does not disclose that there are symbol carriers each carrying a two dimensional symbol which is a representation of a polyhedral element. Rather, the

symbol carriers of McGinnis are, themselves, the representations of the polyhedral elements. In this regard, see symbols S1-S4 in Figure 5 of McGinnis.

Additionally, the present invention as claimed claims that *indicia on at least two of the visible faces of each of the polyhedral elements which are visible at a rest condition of the carriers are taken into consideration in the determination of whether or not a winning event has occurred.* McGinnis explicitly teaches that only a single face of each symbol is applicable in determining a winning condition. For example, at column 3, lines 21-23, it is specified that, in the first primary set a total of three symbols - S1, S5, S2 are included in the first primary set 10 and three symbols S3, S5 and S4 are included in the second primary set. This is despite the fact that 6-sided dice are being used to generate the symbols.

The embodiment of McGinnis shown in Figure 5 of the drawings makes use of 20-sided dice. However, once again, in this embodiment only the front symbol of each die is taken into consideration in determining whether or not a winning condition has occurred. For example, if reference is made to Figure 5 of McGinnis it will be apparent that an ace symbol appears on the front face of each symbol S1-S5. It is stated at column 8, line 21 that "all dice depicting the same exact face" are taken into consideration in determining the combinations of McGinnis. Further, at column 8, lines 44-47 it is specified that, with reference to Figure 5 of the drawings a completed round of play is shown where a three-of-a-kind combination has been generated in both primary sets 10 and 12.

If one has reference to Figure 5 of the drawings, it will be readily apparent that, if other faces of the twenty-sided dice S1-S5 were to be taken into consideration, other winning combinations would also be present, viz. a three-of-a-kind win for each of the symbols "10" and "K" on S3, S4 and S5 and, similarly, for S1-S5 and S2. This is quite evidently not the case in McGinnis so that only the indicia on the front faces of the dice are applicable in determining a winning event. Therefore, it is only the "A" indicium on each front face that is

applicable in determining the winning event in McGinnis. Thus, McGinnis does not teach that *indicia on at least two of the visible faces on each of the polyhedral elements which are visible at a rest condition of the carriers being taken into consideration in the determination of whether or not a winning event has occurred.*

It is well established that, in respect of a novelty objection, the prior art must disclose all the integers of the invention as claimed. ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)).

It is respectfully submitted therefore that, as neither Johnston nor McGinnis disclose all the features of claim 1 as presently claimed, neither citation constitutes an anticipation. In view of the fact that the remaining claims depend directly or indirectly from claim 1, neither Johnston nor McGinnis constitutes an anticipatory citation against any of the dependent claims either.

Claims 4 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston.

As indicated above, Johnston does not teach, hint or suggest all the integers of claim 1 as presently claimed. Both claims 4 and 12 depend directly or indirectly from claim 1. In the circumstances, it is respectfully submitted, that what is claimed in claims 4 and 12 is inventive over the teachings of Johnston.

Claim 12 stands rejected under 35 U.S.C. 103(a) as being unpatentable over McGinnis.

For the reasons canvassed above, McGinnis does not disclose all the integers of claim 1 as presently claimed. Claim 12 depends directly or indirectly from claim 1. In the circumstances, it is respectfully submitted that what is claimed in claim 12 is patentably distinguishable over the teachings of McGinnis.

Further, insofar as claim 12 is concerned, neither Johnston nor McGinnis discloses, teaches or suggests, in any way whatsoever, whether explicitly or implicitly, that any of the symbols displayed can be special symbols. The Examiner is, with respect, relying on the benefit of hindsight in order to allege that it would be obvious to one of ordinary skill in the art to incorporate special symbols, such as a wild symbol, into the systems of Johnston or McGinnis.

#### Conclusion

Applicant has fully responded to each matter of substance raised in the Office Action and believes that the case is in condition for allowance. Withdrawal of the rejections and allowance of the application is therefore courteously solicited. Should the Examiner have any requests, questions or suggestions, the Examiner is invited to contact Applicant's attorney at the number listed below.


In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

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11

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Respectfully submitted

  
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